IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 1603 OF 2007

Smt.Annapurna D. Singh .... Petitioner
V/s
Secretary, Samaj Uddhar Samiti (Regd.) &Ors..... ..... Respondents.

Office Notes, Office Memoranda of Coram, appearances Court's orders or directions and Registrar's orders.	Court's or Judge's Orders

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Mr.Ashutosh Gole h/f Mr.M.S.Lagu, Adv. for the petitioner.

CORAM: A.P. DESHPANDE, J.
13.4.2007

PC:

The petitioner questions the legality and validity of the judgment and order passed by the School Tribunal dated 30.8.06 whereby though the appeal is partly allowed the petitioner has been refused relief of reinstatement in service. The School Tribunal has held and it is not in dispute that the petitioner is an untrained teacher. Under the Maharashtra Employees of Private Schools (Conditions of Service) Regulation Act,1977 (the "Act") and the rules made thereunder the

eligibility criteria provided requires a person to possess a training qualification of D.Ed. for being appointed as primary school teacher. Though the Tribunal found fault with the order of termination it being not in accordance with law, the Tribunal has rightly taken recourse to the provisions contained in section 11(2)(e) of the Act by directing payment of compensation equal to six months' salary. The Tribunal is justified in refusing reinstatement to an untrained teacher for obvious reasons that an untrained teacher has no right to the post.

2. The learned counsel for the petitioner tried to contend that he was wrongly denied admission to D.Ed. Course. The said issue is altogether different and cannot have any bearing on the legality or otherwise of the order passed by the Tribunal. In the result there being no merit in writ petition, same is summarily dismissed

13.4.07.